

simply speaks to the fact that any use of a firearm in the commission of a felony is a five year sentence, period. I don't think it needs any great degree of explanation. Too many people die and are injured because people carry a lethal weapon of some kind in the commission of an unlawful act. I want to discourage them from taking it. If they do not have it with them, knowing of a certainty, there will be a five year penal sentence. Hopefully, they will not carry it with them, and there will be considerably less killing, such as we witnessed the other day. I would ask for the adoption of the amendment, providing that carrying a firearm in the commission of a crime is a mandatory five year sentence. This, of course, would be subject to pardon, but not to parole.

PRESIDENT: Senator Venditte. Senator DeCamp. Senator DeCamp.

SENATOR DeCAMP: I guess I won't say anything on this.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: I think I will, and I don't know why you didn't. First of all, Senator Murphy, I think, if I could I'll ask you one question and this should clear up what you are attempting to do. If you would, you are attempting to say that there would be a minimum and a set sentence, a determinate sentence for anybody that uses a firearm in the commission of a robbery.

SENATOR MURPHY: It is my intent, and I'm not sure what you're leplease to properly paraphrase it....

SENATOR BARNETT: I'm not very good at it either.

SENATOR MURPHY: But it is my intent that there be a mandatory, nonparoleable, five year sentence for carrying a firearm. I realize that constitutionally we cannot prevent pardon, but we most certainly can prevent parole.

SENATOR BARNETT: The reason I'm asking you, Senator Murphy, is that I think possibly your amendment is inserted in the wrong place. I think it should go down there on about line nine or ten, which is in the penalty section of Section 260. Where you have it now I believe you have penalized the person before he has been convicted.

SENATOR MURPHY: I would be most agreeable to moving it down to the next Section. I think what you're saying is entirely correct, Senator.

SENATOR BARNETT: You know we have a definition of the Section and then the penalty follows it. I think possibly that Senator Koch is working in the same area that you are on an exception. I don't know, Senator.

SENATOR MURPHY: You trying to tell me this is a mistake?

SENATOR BARNETT: No. I'm trying to tell you that if we get our heads together on it, to bring it in....

SENATOR MURPHY: That's fine, Senator.